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CONFLICT OF LAWS—PENAL STATUTES.—An action was brought in Connecticut upon a Massachusetts statute allowing recovery for wrongful death of a sum "not less than \$500 nor more than \$10,000" to be assessed with reference to the degree of the defendant's culpability. *Held*, the statute is penal, and therefore unenforceable in Connecticut. *Christilly v. Warner* (Conn.), 88 Atl. 711. See NOTES, p. 390.

CONTRACTS—VALIDITY—PUBLIC POLICY.—In consideration of a release by the plaintiff of a claim for personal injuries against the defendant, a railroad corporation, the latter agreed to employ the former for the remainder of his life and if he were discharged he should receive his salary until death, unless the discharge was by reason of his neglect of duty or dissipation. Later the plaintiff was discharged and brought an action against the defendant for breach of the contract. The latter claimed that the contract tended to impair its efficiency as a common carrier and hence was against public policy. *Held*, the plaintiff can recover. *Cox v. Baltimore, etc., Ry. Co.* (Ind.), 103 N. E. 337.

Granting that such agreements are founded on good consideration and otherwise binding, questions as to their relation to public policy need not be considered. In such cases the defendant is bound to employ plaintiff and pay him or he has violated the agreement. Such a contract is not void because it would require the company to employ the injured person even though he was not competent, in violation of its obligation to the public, as, the contract does not impose upon the company the duty to keep him at work when incapable. *Jessup v. Chicago & N. W. Ry. Co.*, 82 Iowa 243, 48 N. W. 77. Such an agreement can be performed without violation of any duty to the public. The fact that defendant is a quasi-public servant does not render the contract void in the absence of any showing that plaintiff is not able or competent to do such work as defendant may be in a position to give him. *Pennsylvania Co. v. Dolan*, 6 Ind. App. 109, 32 N. E. 802.

If, as in the principal case, there is a stipulation for good behavior and competency on the part of the employee the case is even clearer for then he may be discharged when incompetent or upon other breach of the stipulations without a violation of the agreement on the part of the company. *Smith v. St. Paul Ry. Co.*, 60 Minn. 330, 62 N. W. 392.

EQUITY—CONSOLIDATION OF SUITS—REQUISITES FOR JURISDICTION.—A large number of passengers injured in a railroad wreck commenced separate damage suits against the railroad company. The latter then filed a bill in equity to enjoin the further prosecution of the suits at law, and praying that equity take jurisdiction of the whole controversy and determine the rights of all the parties in a single suit. *Held*, the bill should be dismissed. *Newell v. Ill. Cent. Ry. Co.* (Miss.), 63 So. 351.

The courts seem to be in serious conflict on the question as to what extent a mere community of interest in the questions of law and fact involved will give equity jurisdiction to combine for complete deter-